

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 44850 of 2015

Arising Out of PS.Case No. -61 Year- 2015 Thana -KORANSARAI District- BUXAR

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1. Ghanshyam Mishra Son of Baban Mishra.
 2. Meena Devi W/o Ghanshyam Mishra.
 3. Pantoo Mishra @ Putto Mishra.
 4. Prakash Mishra.

Both 3 & 4 sons of Ghanshyam Mishra. All resident of village- Koran Sarai, P.S. Koran- Sarai, District- Buxar.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

2 15-10-2015

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners apprehend arrest in Koransarai P.S. Case No. 61 of 2015 dated 07.08.2015 instituted under Sections 447/341/323/504/354/34 of the Indian Penal Code and 3(1)(x) of The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the 'Act').

As per the allegation, the petitioners are said to have stopped the informant and her husband while they were returning from the police station after making a complaint against petitioner no. 1 and threatening the informant and her husband of setting them on fire and also abusing them by caste name.

Learned counsel for the petitioners submits that no offence is made out, on the plain reading of the F.I.R., much less, under the Act. It is stated that at 10.00 o'clock at night, it is only alleged that while the informant and her husband was returning from the police station, they were stopped on the way and thus the same not being in public view, cannot attract the ingredients of offence under the Act. It is further submitted that for the same incident there is also a counter case on behalf of petitioner no. 2 and further that the petitioners belong to one family and have no criminal antecedent.

Learned A.P.P. opposes the prayer for anticipatory bail.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Buxar in Koransarai P.S. Case No. 61 of 2015, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Ahsanuddin Amanullah, J.)

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